

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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DAVID WATSON,

Plaintiff,

v.

Case No. 08-cv-12873

MICHIGAN DEPT. OF CORRECTIONS, et  
al.

Defendants.

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**OPINION AND ORDER DENYING PLAINTIFF'S  
"MOTION FOR CERTIFICATE OF APPEALABILITY"**

Pending before the court is Plaintiff David Watson's "Motion for Certificate of Appealability." Plaintiff, a state inmate currently incarcerated at the Saginaw Regional Correctional Facility, filed a complaint on July 7, 2008, alleging state and federal constitutional violations under 42 U.S.C. § 1983. On April 30, 2009, the court issued an order adopting the Magistrate Judge's report and recommendation and granting all Defendants' motions to dismiss. Plaintiff subsequently filed a notice of appeal and the current motion.

A certificate of appealability is required only in certain types of cases, typically habeas corpus proceedings brought pursuant to 28 U.S.C. §§ 2254 and 2255. See 28 U.S.C. § 2253(c). A certificate of appealability is not required, however, to appeal a district court order denying relief under 42 U.S.C. § 1983. *Johnson v. CCA-Northeast Ohio Corr. Ctr.*, 21 F. App'x 330, 332 (6th Cir. 2001).

Accordingly, IT IS ORDERED that the Plaintiff's Motion for Certificate of Appealability [Dkt. #37] is DENIED.

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: July 2, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, July 2, 2009, by electronic and/or ordinary mail.

s/Lisa G. Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522